TO THE SETTLERS OF THE COUNTIES OF PLATTE BUCHANAN & HOLT.

I have selected about one hundred and sixty thousand acres of land for the State. There remains to be selected the rise of one hundred and ten thousand.

As so many false reports have been spread, and are being spread over the country relative to the Grant which the State is entitled to, it might be useful to recur to the law. The act of Congress granting the land (500000 acres) to the State, was approved Sept. 4, 1841. It is part of the same law, which grants the preemption rights commenced the first of May, 1841. The 8th section makes the grant to the State, and the 10th provides for individual preemptors. The limitations on selections by the State are,

1st. The selections are to be made within the limits of the State, in such manner as the Legislature shall direct.

2d. The selections must be made in parcels conformably to sectional divisions and subdivisions of not less than three hundred and twenty acres in one location.

3d. The selections may be of any public land, except such as is or may be reserved from sale by law of Congress or proclamation of the President of the United States; and,

4th. "While" said locations may be made at any time after the land of the United States, in the State, shall be subject to sale, according to existing laws."

The first objection urged to the validity of the selection made in the State, which I shall notice, is, that they have not been made within what are called the "Platte Purchase," the time the law passed making the grant to the State. I do not recognize the validity of such an objection, in fact. But I do not put it as is false in fact. If I mistake not, the Platte country was annexed to the State in 1837. The act making the grant to the State was passed in 1841, *four years after the platte country had become included within the limits of the State.*

The third limitation upon the power of the State to select, is that she may select only such land, except such as or may be reserved from sale" &c. It will be observed that the word "sale" is used without any limitation, and will consequently include all kinds of sale, whether public or private. Any land which may be sold whether to pre-emptors, purchasers at public sales, or at private sale, is by this act liable to selection. Sixteenth sections are, generally, reserved from sale by a law of Congress. The Legislature relies on them, nor can the district land office sell them. But I will not multiply examples. No one pretends that the lands which were sold prior to the State selections, have settled upon any of the land entered by the State, or had been acquired pre-emption rights thereto, and by virtue thereof have bought the land from the U. S., and have thereby acquired a good title to the land. And yet the restrictions are more rigid upon individual preemptors, than upon the State. For according to the State says, the land must not be "reserved from sale by any law of Congress or proclamation of the President of the U. States."

The act of Sept. 4, 1841, granting pre-emptions to individuals says,

"the lands included in any reservation by any treaty, law or proclamation of the President of the U. States, or reserved for salines, or for other purposes, or any land claimed for the support of Schools, nor the lands acquired by either of the two last treaties with the Miami tribe of Indians in the State of Indiana or which may be acquired of the Wyandotts by the Indians in the State of Ohio, or other Indian reservation to which the Indian title has been or may be extinguished by the United States at any time during the operation of this act; No sections of land reserved to the United States, alternate to other sections granted to any of the States for the construction of any canal, railroad or other public improvement, no sections or fractions of sections included within the limits of any incorporated town, no portions of the public land which have been reduced as the site for a city or town; parcel or lot of land actually settled and occupied for the purposes of trade and not agriculturer; and no lands on which are situated any known salines, or mines, shall be liable to entry under and by virtue of the provisions of this act."

The pre-emption laws of 1838 and 1840 contain similar provisions. Pre-emptors are prohibited from acquiring pre-emptions on certain lands not reserved from sale. All the restrictions on this point, imposed upon the State, are imposed upon individual preemptors and more too. The State has all the ground to go upon that individuals have and more too, and yet you are vegely told, that, although individuals might have settled and taken the land by pre-emption, yet the State could not take it.

The next objection which I shall notice, is, that the State had no right to select land before it shall have been offered at public sale. No one will pretend to say that individuals cannot settle upon and acquire pre-emption rights under the act of Sept. 4, 1841, on lands before they shall have been offered at public sale. How then stands the matter between the State and individual settlers? The act which grants the land to the State specifies certain of the State may be made "AT ANY TIME after the public lands shall have been surveyed according to existing laws, the act granting rights to individuals, says, That no lands shall have been surveyed in the Indian title thereto extinguished prior to the settlement. For the State to locate it is only required that the land be surveyed—for an individual to acquire a right, it is coceive by one entry that the land be surveyed, but that the Indian title be extinguished. The same restriction is laid upon an individual as upon the State, and more, and yet you are told, there is no difficulty in the acquisition of individual rights, but the State can acquire none until after the land shall have been offered at public sale! There is no restriction as to time, but the State can select no lands except that the land shall have been surveyed. And does the law which says the State may locate at any time after the land shall have been surveyed, mean that the land must first have been offered at public sale? I can see no law for language! The idea, that the land must first be offered at public sale, has been urged without any legal foundation.

The next and last objection urged, which I shall at this time notice, is, that the State has located a title bond to the land, and therefore her right is invalid. In considering this objection, the first question is, has the State in fact located on lands held by pre emptionst the answer is no. I say the State has not located on lands held by pre emptios. [I speak of course of the mass of selections made by me, although there may be another two or three individual instances may have been, and I shall, for example, consider those locations made on the 13th inst. Those locations were made on the morning appointed for the commencement of the public sales, Admitting for the moment that the pre-emptors upon the lands located by the State, the question should arise whether they had any notice of the location? The act of sept. 4, 1841 says,

"That this act shall not delay the sale of any of the public lands according to law, nor shall beyond the time which has been, or may be, appointed by the proclamation of the President, *nor shall any person or persons who shall fail to make and file the declaratory statement* or the affidavit required before the day appointed for the commencement of the sales or store said."

The acts of June 22d, 1838 and June 1, 18 provisions nearly similar.

The 13th Nov. was "appointed for the commencement of the sales" by the proclamation of the President? The law says, the time for proof and payment must be made before this day—before the 12th Nov. or the act shall not be available to them. The time for the proof and payment were required before the 13th or before the 13th would not be before the 13th: Proof and payment, then, were required on the 12th or before. Were proof and payment made on the lands located by the State on or before the 12th? The law says they must, the law says its provisions shall not in no wise affix to such individuals. It not available to them, as it is to the State, and the land is to forfeited under the law are forfeited. But what have Comm. of the Gen'l Land Office said on this point? Whitcomb in his circular of July 30, 1838 says;

"A person bringing himself within each of the above requirements, by proof satisfactory to the Receiver of the land district in which the lands may be, taken pursuant to this rule hereinafter prescribed, will after having had the declaratory statement duly filed, be entitled to all the benefits and privileges of the act approved May 29, 1830, and may avail himself of the same, at any time before June 22, 1840, unless the land shall be proclaimed for sale in the mean time, in which case this proof and entry must be made before the day of the commencement of such public sale in the said district."

Huntington, in his circular of Sept. 15, 1841, holds language of similar import; and Blake in his notes to pre emptors appended to the Presidents proclamation says;

"Every person entitled to the right of pre emption to any land within the limits of the townships above enumerated is required to establish the same to the satisfaction of the Register and Receiver of the proper land office, and make payment therefor as soon as practicable after seeing this notice, and before the day appointed for the commencement of the public sale of the township embracing the tract claimed, above designated, otherwise such claim will be forfeited."

If then there had been preemptors upon the lands located by the State, still the law would not require them to have been sold before the State made her location. Whitcomb says they were forfeited, Huntington says they were forfeited, Blake says they were subject to forfeited.

Now it is not true in fact that the State has located on lands held by pre emption, upon this hypothesis that pre-emptors had settled upon the land, but the question of fact, the conclusion drawn therefrom by the oeconies of the State, is untrue.

But for the purpose of argument let it be supposed that the State had located on lands held by pre-emption, she have it would then secure stand? Who had the right to have complained? The answer is, the pre-emptors themselves, and they alone. They could have vested the State, and they alone could have done it, and if they failed to complain, no one else had any right to complain that the State did acquire a perfect title. This I take to be the law. The act of Sept. 4, 1841, provides that when two or more individuals shall have settled upon the same qr. section, they shall have a preference right to the first actual settler. But should the first actual settler fail to make a claim, or if anyone pretended to say, the second actual settler would not have a good title to the land? No; no one would dare deny it to the State upon the ground in this respect than suchsecond settler? Now will the Register or Receiver of the district land office refuse to receive the State's bond given in show that the State is on less favoured ground in this particular? I answer no; they will not; they cannot refuse to receive it upon the Bond I have on authority on this point. I have before me the letter of Gen'l Jesup to Governor & that shall be from the Attorney Genl. The question put to Attorney Genl. Berrien was,

"Will an individual who has settled on and improving a private entry of land] claimed by the government, have a preference right to purchase after the expiration of the time limited for the pre emption right, in case this pre emption privilege has not been enter and purchase within that time?"

The Answer of Berien is.

. . . . . "Such right [meaning the pre emption right] is inchoate and can only be perfected by making the payment and entry pursuant required by the act, during its continuance, and consequently will not prevent any other person from entering the land after the expired (meaning the act granting pre emption rights) if those requisites have not been complied with."

It is not imagined that this authority will be considered by the Secretary [meaning the State land located on lands held by pre emptors] sufficient to induce him to present their claims before the day set for the commencement of the public sales of the district land office in which the land lies, that the State is perfect. Will the Land Office at Pittsburgh or at Washington deny this to the State? I have satisfied they will not, because they know it is the law.

But it is said the State title been affirmed before this? The first locations were made about the middle of August last, more than two months since.

Why have they not been settled by the State at Washington to issue the patents? It is not in my power to answer this. I learn it or those to answer, who can.

But it has been said that they have been called in question. I learn this too in the answered satisfactorily by those who can, if indeed any one has. *But I will presume* the question which you, my countrymen, may give when once you think it entitled to. Under date of May 2, 1842, the Com. Genl. Land office, with the approbation of the Secretary Treasury, issues a circular to Registers of U. S. land offices relative to the 500,000 acre grant. In this circular this question is put and queried—"to register all the lists that may be filed in your office, [meaning the lists filed by the State of selections] and to issue patents to a copy of each to this office, [meaning the General Land Office,] from time to time, as you, [meaning they, the Register] receive them"—and transmit from time to time to the Land Office lists of lands filed by the State agents in the Register's office as such lists shall be received. This regulation is dictated by the most common sense. For how can the office at Washington know what has been done, unless the original locations or copies thereof, are transmitted to it? Has either the original or a copy of the locations made by me been transmitted to the Com. Gen'l Land Office? I have received a copy of the correspondence between the Register and Receiver at Plattsburgh, and the Com. Gen'l Land Office up to Jan. 26, communicated to the House of Representatives in answer to a resolution of that body and printed by its order. From this I believe I am authorized to say, that neither the original copies had been forwarded up to Jan. 26, 1842 to the Register disregarded the State's application? Why has the Com. Gen'l Land Office permitted this important regulation to be disregarded? Or has he authorized it? For why has he done it? Why does the Secretary of the Treasury or the President of the U. S., if such things were brought their notice, tolerate them? I cannot suppose they would.

But from the correspondence before alluded to, under date of August 21, I find the Register and Receiver of this land office at Plattsburgh writing to the Com. Gen'l Land Office. That,

"The Commissioner on the part of the State [myself] has selected, and is selecting lands in the Plattsburgh country, since the 13th instant." LANDS THAT ARE HELD BY PRE-EMPTION.

Which I have shown sufficiently, that even upon the hypothesis that pre-emptions had been settled upon the lands located by the State, pre emptions were forfeited before the locations were made, & the locations were not made on lands held by pre-emptors. But it is known that pre-emptions had ever as any time existed upon lands located by the United States? I deem myself authorized to say, I know such a fact, to reference to large quantities of land which I have selected, and they were entirely vacant and unimproved. Than so far the Register and Receiver would have been entirely justified in saying that no pre-emptions had ever had existed. How will they justify them selves in this matter? Will they say they were ignorant of the facts—that they were located on the lands? Why then testify about matters of which they knew nothing? Will they say they were told so by individuals? But are they not sworn officers, and are they to testify upon such a rumor that floats? Will the Com. Gen'l Land Office sanction such proceedings? I hope it too, may be. The Treasury and the President sanction them? But copying somethirce or four quarters, proved to be false? Will even the register & Receiver authorized to say that a solitary quarter out of more than a thousand located, had ever ever *held by pre-emption?* Could they say because individuals had come forward in the manner prescribed by law and claimed pre-emptions? No, for such was not the fact. Are they authorized thus solemnly to state and that they do? I hope it too, may be. Because they were told so? Will they recognize once right for simply being told that it existed? Is not the claimant first required solemnly to prove his settlement? But still they will not be satisfied. A solemn affidavit must also be taken. And not enough yet. Is the claimant not in addition to all this required to be two hundred one dollars before the pre emption right is recognized to one hundred and sixty acres of land? You, my countrymen, one answer these questions as well as I. But does the setting up a claim by the State of selection with all—fairness with—comply with the expense of witnesses—dispense with many months and hundreds the register and receiver come forward without ever having seen or heard of the land, except it be from the claim set up by the state and the plots at the office, or if they have heard from it, it is by rumour or simple declarations, and say it is land held by pre emptions!—sanction them in the land was settled—the claimant can take the oath! &c. &c. These things, my countrymen, to be explained by the land officers at Plattsburg or the executive at Washington.—But it is time when a settler goes forward & asserts a pre-emptive claim in the forms prescribed by law, and that right is older than the right of the state, the land office is bound to hear the same and award to such claimant the land too. But I have never supposed it the duty of public officers to inquire through the country whether a particular tract was settled upon—whether the settler was of the requisite age or the head of a family, and if so, whether he could take the affidavit required by the pre emption laws, and then to award to him a right which he does not ask for—and does not want, I make these suggestions, my countrymen, for your consideration, for the consideration of the officers at Plattsburg, and for the consideration of the executive at Washington. You and they can determine the truth, and if true, their importance—But let me ask the officers at Plattsburg—why it is that the statutory regulations of requiring copies of the lists of lands filed to be sent has been so long disregarded, and in lieu thereof the statements of the Register and Receiver set up, that I had selected one or more selecting lands held by pre emptios? Why has the title of the State to her land been so long held out as invalid and yet not finally decided?

But one subject more, The Comr. Gen'l Land Office says, that pre emptions under the act of Sept. 4th 1841 on lands not proclaimed at any time" prior to the commencement of the public sale including such tract. The Register and Receiver of the land office at Plattsburgh have put up an advertisement in their office in which it is stated that such rights expire in one year from the opening of the land office to certain counties in certain others, in one year from the settlement—therein is a flat contradiction between the Com. Gen'l Land Office and the law on one side, and the Register and Receiver on the other—indeed the Register admits the advertisement to be wrong. And be it come to this, that while Congress was soliciting by a liberal policy to the citizens by giving them longer time to pay for their homes, that the Register and Receiver are knowingly or through ignorance to put up false advertisements to oppress the citizens by forcing them to pay money before it is due! And will the executive at Washington tolerate them things? But, my country men, perhaps the land officers can explain these things satisfactorily. Many of you have seen the advertisement as well as I.—Perhaps they can point you to some law I never saw, some law the Com'r, never saw justifying such advertisement. Or, if not, perhaps they can give you a reason, for putting up a false advertisement.

In conclusion I would say, I am informed that the Legislature almost unanimously, with a solitary exception, passed the act under which these locations have been made. It is not pretended that these locations have not been made in pursuance of the law. What were the Legislature all wrong? It is known to many of you that our late Circuit Judge considered the locations entirely valid. Our late Governor who is known to you to have been one of the ablest lawyers of the State, after having been made acquainted with all the facts, in a letter to me under date of Nov. 27, 1843, holds the following language in reference to the rights of the State:

"Indeed there can be no question about the matter; and the settlers may therefore rest contented so far as the right of the State is concerned."

And yet the minds of those of you who claim right under the State, have been far passed by one falsehood after another almost beyond endurance. Why has the land department permitted, thus reported? Why this delay?

Your Fellow-Citizen,
S. L. LEONARD.
Platte city, March 22, 1844.